



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,902	02/28/2002	Graham Castree Charters	GB920000092US1	9251

47049 7590 04/27/2006

FERENCE & ASSOCIATES
409 BROAD STREET
PITTSBURGH, PA 15143

EXAMINER

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
----------	--------------

2144

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/683,902	Applicant(s) CHARTERS ET AL.	
	Examiner Joseph R. Maniwang	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☒ Claim(s) 17,36 and 54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/27/06 has been entered.

Claim Objections

3. Claims 17, 36, and 54 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Independent claims 1, 21, and 39 from which claims 17, 36, and 54 depend contain the limitation of the first and second qualities of service comprising recovery support.

Claim Rejections - 35 USC § 102

Art Unit: 2144

4. Claims 1-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Chuah (U.S. Pat. No. 6,654,808).

5. Regarding claims 1, 20, and 39, Chuah disclosed a method and system comprising requesting by first one of a resource component and coordinator pair a first indicator indicating a first quality of service, comprising the level of recovery support, supported by a second one of said pair (see column 4, lines 59-61; column 5, lines 38-46; column 9, lines 59-66; column 7, lines 60-67); responding by said second one of said pair with said first indicator (see column 5, lines 48-59; column 7, lines 34-37; column 10, lines 5-14); receiving by said first one of said pair said first indicator (see column 5, lines 48-59; column 7, lines 34-37; column 10, lines 5-14); responsive to said first indicator, determining by said first one of said pair whether said first quality of service is acceptable (see column 5, lines 48-59; column 7, lines 34-37; column 10, lines 5-14); responsive to said determining, offering by said first one of said pair to permit one of joining in coordination with said second one of said pair and not joining in coordination with said second of said pair (see column 5, lines 48-59; column 7, lines 34-37; column 10, lines 5-14); responsive to said offering by said first one of said pair to permit joining in coordination with said second one of said pair, requesting by said second one of said pair a second indicator indicating a second quality of service, comprising the level of recovery support, acceptable to said first one of said pair (see column 8, lines 1-6; column 7, lines 60-67); responding by said first one of said pair with said second indicator (see column 8, lines 1-14); receiving by said second one of said pair said second indicator (see column 8, lines 1-14); responsive to said second

Art Unit: 2144

indicator, determining by said second one of said pair to permit joining in coordination with said first one of said pair (see column 8, lines 1-14); and responsive to determining by said second one of said pair to permit joining in coordination with said first one of said pair, determining a quality of service provision for said coordination (see column 4, lines 59-66; column 5, lines 21-34).

6. Regarding claims 2-12, 18, 21-31, 37, 40-50, and 55, Examiner submits that the requesting node and the serving node disclosed by Chuah (see column 3, line 53 through column 4, line 58) read upon the broadly claimed limitations of comprising a resource component, coordinator, resource manager, resource adapter, database manager, ERP system, transaction manager, and platform-independent program code component as claimed, since the claimed limitations do not disclose any specific functionality further limiting the invention of Applicant.

7. Regarding claims 13 and 32, Chuah disclosed the method and system further comprising performing the communication session setup at startup of a server (see column 4, lines 41-58).

8. Regarding claims 14, 33, and 51, Chuah disclosed the method and system further comprising sending, by said server, a request to a first one of a resource and coordinator pair to initiate requesting said first indicator indicating a quality of service supported by a second one of resource and coordinator pairs (see column 4, lines 59-61; column 5, lines 38-46; column 9, lines 59-66; column 7, lines 60-67).

Art Unit: 2144

9. Regarding claims 15, 34, and 52, Chuah disclosed the method and system further comprising having at least one of said first and second qualities of service comprise a commit phase support (see column 5, lines 6-20).

10. Regarding claims 16, 35, and 53, Chuah disclosed the method and system further comprising having said commit phase support comprise at least one of one phase commit support and two phase commit support (see column 5, lines 6-20).

11. Regarding claims 17, 36, and 54, Chuah disclosed the method and system further comprising having at least one of said first and second qualities of service comprise recovery support (see column 7, lines 60-67).

12. Regarding claims 19, 38, and 56, Chuah disclosed the method and system further comprising renegotiating a quality of service provision (see column 5, lines 27-34).

Response to Arguments

13. Applicant's arguments with respect to claims 1-56 have been considered but are moot in view of the new ground(s) of rejection. Examiner submits that the claimed limitations are taught by the prior art of record as detailed in the above rejection under 35 U.S.C. 102(e).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

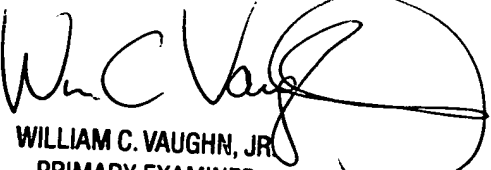
Chuah (EP 1 043 869 A2)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER